

REMARKS

Upon entry of this amendment, claims 1, 2, 4, 9, 10, 17, and 18 are pending in the application. Claims 6-8 and 60-69 are canceled. Claims 1, 2, and 4 are amended. Support for the amendments can be found throughout the specification and in the originally filed claims, *e.g.*, at least page 12 of the specification. No new matter is added.

Double Patenting Rejections

Claims 1, 2, 4, 6-10, 17, 18, and 60-69 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 28-32, 34, 35, 54-57, and 80-85 of U.S. Application No. 10/835,607. *See*, Office Action at pages 2-3.

Applicants disagree. However, in the interest of expediting prosecution of the present application, Applicants file herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c). Withdrawal of this rejection is respectfully requested.

Rejections Under 35 USC § 112, First Paragraph

Claims 1, 2, 4, 6-10, 17, 18, and 60-69 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner is of the opinion that the specification discloses only the use of blood and not the more generic test sample of the claims. *See*, Office Action at pages 3-4.

Claims 6-8 and 60-69 are canceled. As such, this rejection, as it applies to these claims, is moot and should be withdrawn. Applicants disagree with respect to the remaining claims as amended. However, in the interest of expediting prosecution of the present application, claims 1, 2, and 4 are amended herein to require that the sample is a blood sample, as requested by the Examiner.

The Examiner further states that the specification does not contain support for the specific limitation of detecting MS after a first neurological attack and prior to progression to relapsing-remitting episodes of worsening neurological function, as recited in claim 60. *See*, Office Action at page 4.

Claims 60-69 are canceled. As such, this rejection is moot and should be withdrawn.

Based on the foregoing teachings and references incorporated into Applicants' specification, as well as the general knowledge in the art at the time of the invention, one of skill in the art would recognize that Applicants were in possession of the claimed invention. Accordingly, Applicants respectfully request that the aforementioned rejection under 35 U.S.C. §112, first paragraph be reconsidered and withdrawn.

Applicants submit that the application is in condition for allowance, and request a Notice for same. Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Ref. No. 25681-501 UTIL.

Respectfully submitted,



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